

**SUPREME COURT MINUTES  
MONDAY, AUGUST 29, 2005  
SAN FRANCISCO, CALIFORNIA**

**S058092**

PEOPLE v. HARRIS (MAURICE LYDELL)

Opinion filed: Judgment affirmed in full

Majority Opinion by Chin, J.

--- joined by George, C.J., Baxter, Werdegar & Moreno, JJ.

Concurring & Dissenting Opinion by Kennard, J.

**S113295**

B156216 Second Appellate District,  
Division Three

POWERINE OIL v. S.C. (CENTRAL NATIONAL  
INSURANCE COMPANY OF OMAHA)

Opinion filed: Judgment affirmed in full

The judgment of the Court of Appeal directing the trial court to enter an order denying the insurer's motion for summary adjudication of the duty to indemnify is affirmed, and the matter is remanded to the Court of Appeal for further proceedings consistent with the views expressed herein.

Opinion by Baxter, J.

--- joined by George, C.J., Kennard, Werdegar, Chin & Moreno, JJ.

**S114778**

D038707 Fourth Appellate District,  
Division One

SAN DIEGO COUNTY v. ACE PROPERTY &  
CASUALTY INSURANCE COMPANY

Opinion filed: Affirmed in full with directions

and remanded to the Court of Appeal for further proceedings.

Plurality Opinion by Baxter, J.

--- joined by George, C.J., Chin, J.

Concurring Opinion by Werdegar, J.

Concurring Opinion by Moreno, J.

Concurring & Dissenting Opinion by Kennard, J.

**S134172**

SANTORO, ACCUSATION OF  
Petition ordered withdrawn

pursuant to written request of petitioner the  
above-entitled accusation against an attorney is  
ordered withdrawn.

**S062562**

PEOPLE v. TAYLOR (BRANDON)  
Extension of time granted

to October 26, 2005 to file appellant's opening  
brief. After that date, only four further  
extensions totaling about 240 additional days  
will be granted. Extension is granted based  
upon Senior Deputy State Public Defender  
Alison Pease's representation that she anticipates  
filing that brief by 6/2006.

**S065467**

PEOPLE v. MENDOZA (RONALD)  
Extension of time granted

to October 24, 2005 to file appellant's opening  
brief. After that date, only two further  
extensions totaling about 90 additional days will  
be granted. Extension is granted based upon  
Assistant State Public Defender Denise  
Kendall's representation that she anticipates  
filing that brief by 10/24/2005.

**S065573**

PEOPLE v. BECERRA (FRANK K)  
Extension of time granted

to October 25, 2005 to file appellant's opening  
brief. After that date, only four further  
extensions totaling about 210 additional days  
will be granted. Extension is granted based  
upon Deputy State Public Defender Alison  
Bernstein's representation that she anticipates  
filing that brief by 6/2006.

**S076339**

PEOPLE v. GRIMES (GARY L.)  
Extension of time granted

to October 14, 2005 to file appellant's opening

brief. The court anticipates that after that date, only 11 further extensions totaling about 660 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

**S077166**

PEOPLE v. MCKINNON (CRANDELL)  
Extension of time granted

to November 7, 2005 to file appellant's opening brief.

**S134962**

HART (JOSEPH WILLIAM) ON H.C.  
Extension of time granted

to October 3, 2005 to file the informal response to the petition for writ of habeas corpus. After that date, only four further extensions totaling about 115 additional days will be granted. Extension is granted based upon Supervising Deputy Attorney General Pamela A. Ratner's representation that she anticipates filing that document by 1/23/2006.

**S120131**

GOING ON DISCIPLINE  
Probation revoked

Good cause having been shown, it is hereby ordered that probation is revoked and reinstated on the same terms and conditions as previously imposed in S120131 (01-O-04941 and 01-O-04944), the previously ordered stay of execution of suspension in the above entitled matter is lifted, and **JAMES D. GOING III, State Bar No. 123649**, must be actually suspended from the practice of law for 90 days. Respondent is also ordered to comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Credit toward the period of actual suspension must be given for the period

of involuntary inactive enrollment which commenced on June 7, 2005 (Bus. & Prof. Code, § 6007(d)(3)). Costs are awarded to the State Bar and one-fifth of said costs must be added to and become part of the membership fees for the years 2006, 2007, 2008, 2009, and 2010 in accordance with Business and Professions Code section 6086.10.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S134803**

**KOTTO ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **Natasha Anke Kotto, State Bar Number 161806**, be suspended from the practice of law in the State of California for three years and until she complies with standard 1.4(c)(ii) as more fully set forth below, that execution of the three-year suspension be stayed, and that she be placed on probation for five years on the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on April 27, 2005, including the condition that Kotto be actually suspended from the practice of law in this state for eighteen months and until she shows proof satisfactory to the State Bar Court of her rehabilitation, present fitness to practice, and present learning and ability in the general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Kotto is ordered to take and pass the Multistate Professional Responsibility Examination during the period of her actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Kotto is also ordered to comply with rule 955 of the California Rules of Court and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7. \*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S134804****BROWN-SCARLETT ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that **PHYLLIS EILEEN BROWN-SCARLETT, State Bar No. 117202**, be disbarred from the practice of law and that her name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar.  
\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S134805****NOBLE ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **THOMAS MICHAEL WEEMS, JR., State Bar No. 63457**, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for 30 days, as recommended by the Hearing Department of the State Bar Court in its decision filed on May 5, 2005, as modified by its order filed May 25, 2005; and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of

respondent's actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) If respondent is actually suspended for 90 days or more, it is further ordered that he comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 120 and 130 days, respectively, after the date this order is effective.\* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S134806**

**WEEMS ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **John Robert Noble, State Bar Number 87153**, be suspended from the practice of law in the State of California for three years and until he makes all restitution, complies with the fee arbitration conditions, and complies with standard 1.4(c)(ii) all as more fully set forth below; that execution of the three-year suspension be stayed; and that he be placed on probation for four years on the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on April 28, 2005, including the condition that Noble be actually suspended from the practice of law in this state for eighteen months and until he makes restitution to Charles Martin (or the Client Security Fund, if it has paid) in the amount of \$1,250 plus interest thereon at the rate of 10 percent simple interest per annum from December 21, 2001, until paid and he furnishes proof satisfactory thereof to the State Bar's Office of Probation in Los Angeles; he pays all restitution and complies with the fee arbitration conditions imposed in case number S118197 (State Bar Court case number 01-O-04119, et al.); and he shows proof satisfactory to the State Bar Court of his rehabilitation, present fitness to practice, and present learning and ability in the

general law in accordance with standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Noble is ordered to take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Noble is also ordered to comply with rule 955 of the California Rules of Court and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7. \*(See Bus. & Prof. Code, § 6126, subd. (c).)

**S134809****MOOREHEAD ON DISCIPLINE**

Recommended discipline imposed

It is ordered that **DENISE DAVIS MOOREHEAD, State Bar No. 136369**, be suspended from the practice of law for two years and until she has shown proof satisfactory to the State Bar Court of her rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct, that execution of the suspension be stayed, and that she be placed on probation for two years subject to the conditions of probation, including six months actual suspension and restitution, recommended by the Hearing Department of the State Bar Court in its decision filed on March 28, 2005. Credit towards the period of actual suspension must be given for the period of involuntary inactive enrollment which commenced on March 7, 2003, and terminated on November 19, 2004.